

# Hecker Fink LLP

350 FIFTH AVENUE | 63<sup>RD</sup> FLOOR  
NEW YORK, NEW YORK 10118

1050 K STREET NW | SUITE 1040  
WASHINGTON, DC 20001

TEL (212) 763-0883 | FAX (212) 564-0883

WWW.HECKERFINK.COM

DIRECT DIAL 212.763.0886

DIRECT EMAIL [jquinn@heckerfink.com](mailto:jquinn@heckerfink.com)

August 29, 2024

**BY ECF**

The Honorable Andrew L. Carter, Jr.  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

*Re: Team Kennedy, et al. v. Henry T. Berger, et al., 24 Civ. 03897 (ALC)*

Dear Judge Carter:

I write on behalf of Objectors/Proposed Intervenor-Defendants Caroline Cartwright, Matthew Nelson, and Joseph R. Rhone, Jr. to notify the Court of a recent decision in the New York state court proceeding: *Cartwright v. Kennedy*, No. CV-24-1294, 2024 WL 3977541 (3d Dep't August 29, 2024). A copy of the state court decision is attached hereto as Exhibit A.

As noted in our proposed Opposition to Plaintiffs' Motion for a Preliminary Injunction, the constitutional challenges Plaintiffs assert in connection with Counts One and Two of the First Amended Complaint in this action mirror those that Mr. Kennedy is pursuing in his state court appeal. *See* ECF 43-2 at 5. Those constitutional issues were argued before the Third Department, Appellate Division on Wednesday, August 28, 2024. Today, the Third Department decided each of them, on the merits, in favor of Objectors/Proposed Intervenor-Defendants, and for substantially the reasons outlined in our filings here. ECF 41-43.

Respectfully submitted,



John C. Quinn

*Counsel for Objectors/Proposed  
Intervenor-Defendants*

cc: All Counsel of Record (via ECF)